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EXAMINER

REESE, DAVID C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,786

Applicant(s)

DIAZ, CARROLL

Examiner

David C. Reese

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

- [1] Claims 1-20 are pending.

Double Patenting

- [2] Amended claims 1-20 of this application conflict with claims 1-36 of Application No. 10/896756. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim Objections

- [3] Claim 2 is objected to because of the following informalities: in line 2, the recitation "a nut that is connectable to the body at the partially threaded portion" should be removed since it appears to have been included by mistake.

- [4] Claim 4 recites the limitation "the plate" in the instant claim. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

- [5] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[6] Claims 1, 3-11, 13-20 are rejected under 35 U.S.C. 102(b) as clearly anticipated by Kalen, US- 4,693,389, because the invention was patented or described in a printed publication in this or a foreign country, or in public use or on sale in this country more than one (1) year prior to the application for patent in the United States.

The shape and appearance of Kalen is identical in all material respects to that of the claimed design, *Hupp v. Siroflex of America Inc.*, 122 F.3d 1456, 43 USPQ2d 1887 (Fed. Cir. 1997).

As for Claim 1, Kalen clearly shows (Fig. 5) of a device comprising:

a) an elongated body (12) having first and second end portions and a central, longitudinal bore (30) that is at least partially threaded, the first end portion of the body (26) having a socket and a plurality of circumferentially spaced apart slots (26) that communicate with the socket;

b) a shaft (16) that extends continuously through the bore (30) and having respective first and second end portions communicating with the body end portions, the shaft (16) being partially externally threaded (50) and rotatable relative to the body (12);

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c) a plate (26, the flat level that 66 rests on in Fig. 5 can be considered a plate) that carries a plurality of locking members (66) that each vary in thickness, wherein the plate and the locking members (66) being attached to the first end portion of the body (26),

d) the locking members (66) being movable between extended and retracted positions responsive to a rotation of the shaft (Figs. 3A-B), the locking members extending radially beyond the outer surface of the body in the extended position (Fig. 3A) and being contained within the body at the socket in the retracted position (Fig. 3B);

e) a nut (14) that is connectable to the body (12) at the partially threaded portion (30).

f) wherein the shaft (16) extends continuously from the plate (26) to the nut (14), enabling load transfer between the plate (26) and the nut via the shaft (16) (as viewed in Fig. 3B).

As for Claim 3, Kalen clearly shows (Fig. 5) of a device comprising:

a) an elongated body (12) having first and second end portions and a central, longitudinal bore (30) that is at least partially threaded, the first end portion of the body (26) having a socket and a plurality of circumferentially spaced apart slots (26) that communicate with the socket;

b) a shaft (16) that extends continuously through the bore (30) and having respective first and second end portions communicating with the body end portions, the shaft (16) being partially externally threaded (50) and rotatable relative to the body (12);

c) a plate (26, the flat level that 66 rests on in Fig. 5 can be considered a plate) mounted to the shaft and carrying a plurality of locking members (66) that each vary in

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thickness, wherein the plate and the locking members (66) being attached to the first end portion of the body (26),

d) the locking members (66) being movable between extended and retracted positions responsive to a rotation of the shaft (Figs. 3A-B), and the plate, the locking members extending radially beyond the outer surface of the body in the extended position (Fig. 3A) and being contained within the body at the socket in the retracted position (Fig. 3B);

e) wherein the locking members (66) have curved outer surfaces;

e) a nut (14) that is connectable to the body (12) at the partially threaded portion (30).

g) wherein the shaft (16) extends continuously from the plate (26) to the nut (14), enabling load transfer between the plate (26) and the nut via the shaft (16) (as viewed in Fig. 3B).

As for Claim 4, Kalen clearly shows (Fig. 5) of a device comprising:

a) an elongated body (12) having first and second end portions and a central, longitudinal bore (30) that is at least partially threaded, the first end portion of the body (26) having a socket and a plurality of circumferentially spaced apart slots (26) that communicate with the socket;

b) a shaft (16) that extends continuously through the bore (30) and having respective first and second end portions communicating with the body end portions, the shaft (16) being partially externally threaded (50) and rotatable relative to the body (12);

c) a plurality of locking members (66) that each vary in thickness, the locking members are attached to the shaft at the first end portion of the body, the locking members being

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attached to the first end portion of the shaft; wherein the plate and the locking members (66) being attached to the first end portion of the body (26),

d) the locking members (66) being movable between extended and retracted positions responsive to a rotation of the shaft (Figs. 3A-B), and the plate, the locking members extending radially beyond the outer surface of the body in the extended position (Fig. 3A) and being contained within the body at the socket in the retracted position (Fig. 3B);

e) a nut (14) that is connectable to the body (12) at the partially threaded portion (30).

f) wherein the body (12) has curved camming surfaces at the socket (26) that are positioned to guide movement of the locking member (66) as they travel between the extended and retracted positions; and

g) wherein the shaft (16) extends continuously from the plate (26) to the nut (14), enabling load transfer between the plate (26) and the nut (14) via the shaft(16).

As for Claim 5, Kalen clearly shows (Fig. 5) of a device comprising:

a) an elongated body (12) having first and second end portions and a central, longitudinal bore (30) that is at least partially threaded, the first end portion of the body (26) having a socket and a plurality of circumferentially spaced apart slots (26) that communicate with the socket;

b) a shaft (16) that extends continuously through the bore (30) and having respective first and second end portions communicating with the body end portions, the shaft (16) being partially externally threaded (50) and rotatable relative to the body (12);

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c) a plurality of locking members (66) that each vary in thickness, the locking members are attached to the shaft at the first end portion of the body, the locking members being attached to the first end portion of the shaft; wherein the plate and the locking members (66) being attached to the first end portion of the body (26),

d) the locking members (66) being movable between extended and retracted positions responsive to a rotation of the shaft (Figs. 3A-B), and the plate, the locking members extending radially beyond the outer surface of the body in the extended position (Fig. 3A) and being contained within the body at the socket in the retracted position (Fig. 3B);

e) a nut (14) that is connectable to the second end portion of the body (12) at the partially threaded portion (30).

f) a plate (26) attached to the shaft (58), the locking members (66) being mounted on the plate (26); and

g) wherein the shaft (16) extends continuously from the plate (26) to the nut (14), enabling load transfer between the plate (26) and the nut (14) via the shaft(16).

Re: Claim 6, wherein the shaft (16) has a first threaded portion (58) that connects with the plate (26) and a second threaded portion (50) that engages the body (12).

As for Claim 7, Kalen clearly shows (Fig. 5) of a device comprising:

a) an elongated body (12) having first and second end portions and a central, longitudinal bore (30) that is at least partially threaded, the first end portion of the body (26) having a socket and a plurality of circumferentially spaced apart slots (26) that communicate with the socket;

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b) a shaft (16) that extends continuously through the bore (30) and having respective first and second end portions communicating with the body end portions, the shaft (16) being partially externally threaded (50) and rotatable relative to the body (12);

c) a plurality of locking members (66) that each vary in thickness, the locking members are attached to the shaft at the first end portion of the body, the locking members being attached to the first end portion of the shaft; wherein the plate and the locking members (66) being attached to the first end portion of the body (26),

d) the locking members (66) being movable between extended and retracted positions responsive to a rotation of the shaft (Figs. 3A-B), and the plate, the locking members extending radially beyond the outer surface of the body in the extended position (Fig. 3A) and being contained within the body at the socket in the retracted position (Fig. 3B);

e) a nut (14) that is connectable to the second end portion of the body (12) at the partially threaded portion (30).

f) a plate (26) attached to the shaft (58), the locking members (66) being mounted on the plate (26); and

g) wherein the shaft (16) extends continuously from the plate (26) to the nut (14), enabling load transfer between the plate (26) and the nut (14) via the shaft (16).

Re: Claim 8, wherein the nut (14) engages the body (12) generally opposite the locking members (66).

Re: Claim 9, wherein the shaft (16) moves linearly relative to the central longitudinal axis of the body (12) when the shaft (16) is rotated.

As for Claim 10, Kalen clearly shows (Fig. 5) of a device comprising:

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- a) an elongated body (12) having first and second end portions and a central, longitudinal bore (30) that is at least partially threaded, the first end portion of the body (26) having a socket and a plurality of circumferentially spaced apart slots (26) that communicate with the socket;
- b) a shaft (16) that extends continuously through the bore (30) and having respective first and second end portions communicating with the body end portions, the shaft (16) being partially externally threaded (50) and rotatable relative to the body (12);
- c) a plate (26, the flat level that 66 rests on in Fig. 5 can be considered a plate) carrying a plurality of locking members, (66) the plate and the locking members (66) being attached to the first end portion of the body (26), the plate and locking members (66) being attached to the first end portion of the shaft (16);
- d) the locking members (66) being movable between extended and retracted positions responsive to a rotation of the shaft (Figs. 3A-B), the locking members extending radially beyond the outer surface of the body in the extended position (Fig. 3A) and being contained within the body at the socket in the retracted position (Fig. 3B);
- e) a nut (14) that is connectable to the body (12) at the partially threaded portion (30); and
- f) wherein the shaft (16) extends continuously from the plate (26) to the nut (14), enabling load transfer between the plate (26) and the nut via the shaft (16) (as viewed in Fig. 3B).

As for Claim 11, Kalen clearly shows (Fig. 5) of a device comprising:

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a) an elongated body (12) having first and second end portions and a central, longitudinal bore (30) that is at least partially threaded, the first end portion of the body (26) having a socket and a plurality of circumferentially spaced apart slots (26) that communicate with the socket;

b) a shaft (16) that extends continuously through the bore (30) and having respective first and second end portions communicating with the body end portions, the shaft (16) being partially externally threaded (50) and rotatable relative to the body (12);

c) a plate (26, the flat level that 66 rests on in Fig. 5 can be considered a plate) carrying a plurality of locking members attached to the first end portion of the body (26), the plate and locking members (66) being attached to the first end portion of the shaft (16);

d) the locking members (66) being movable between extended and retracted positions responsive to a rotation of the shaft (Figs. 3A-B), the locking members extending radially beyond the outer surface of the body in the extended position (Fig. 3A) and being contained within the body at the socket in the retracted position (Fig. 3B);

e) a nut (14) that is connectable to the body (12) at the partially threaded portion (30); and

f) wherein the shaft (16) extends continuously from the plate (26) to the nut (14), enabling load transfer between the plate (26) and the nut via the shaft (16) (as viewed in Fig. 3B).

As for Claim 13, Kalen clearly shows (Fig. 5) of a device comprising:

a) an elongated body (12) having first and second end portions and a central, longitudinal bore (30) that is at least partially threaded, the first end portion of the body (26)

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having a socket and a plurality of circumferentially spaced apart slots (26) that communicate with the socket;

b) a shaft (16) that extends continuously through the bore (30) and having respective first and second end portions communicating with the body end portions, the shaft (16) being partially externally threaded (50) and rotatable relative to the body (12);

c) a plate (26, the flat level that 66 rests on in Fig. 5 can be considered a plate) carrying a plurality of locking members attached to the shaft next to the first end portion of the body, the locking member being attached to the first end portion of the shaft (16);

d) the locking members (66) being movable between extended and retracted positions responsive to a rotation of the shaft (Figs. 3A-B), the locking members extending radially beyond the outer surface of the body in the extended position (Fig. 3A) and being contained within the body at the socket in the retracted position (Fig. 3B);

e) wherein the locking members have curved outer surfaces;

e) a nut (14) that is connectable to the body (12) at the partially threaded portion (30); and

f) wherein the shaft (16) extends continuously from the plate (26) to the nut (14), enabling load transfer between the plate (26) and the nut via the shaft (16) (as viewed in Fig. 3B).

As for Claim 14, Kalen clearly shows (Fig. 5) of a device comprising:

a) an elongated body (12) having first and second end portions and a central, longitudinal bore (30) that is at least partially threaded, the first end portion of the body (26)

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having a socket and a plurality of circumferentially spaced apart slots (26) that communicate with the socket;

b) a shaft (16) that extends continuously through the bore (30) and having respective first and second end portions communicating with the body end portions, the shaft (16) being partially externally threaded (50) and rotatable relative to the body (12);

c) a plate (26, the flat level that 66 rests on in Fig. 5 can be considered a plate) carrying a plurality of locking members that each vary in thickness, the plate and locking members (66) being attached to the shaft at the first end portion of the body (12), the plate and locking members (66) being attached to the first end portion of the shaft (16);

d) the locking members (66) being movable between extended and retracted positions responsive to a rotation of the shaft (Figs. 3A-B), the locking members extending radially beyond the outer surface of the body in the extended position (Fig. 3A) and being contained within the body at the socket in the retracted position (Fig. 3B);

e) a nut (14) that is connectable to the body (12) at the partially threaded portion (30); and

f) wherein the body (12) has curved camming surfaces at the socket (26) that are positioned to guide movement of the locking member (66) as they travel between the extended and retracted positions; and

g) wherein the shaft (16) extends continuously from the plate (26) to the nut (14), enabling load transfer between the plate (26) and the nut via the shaft (16) (as viewed in Fig. 3B).

As for Claim 15, Kalen clearly shows (Fig. 5) of a device comprising:

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- a) an elongated body (12) having first and second end portions and a central, longitudinal bore (30) that is at least partially threaded, the first end portion of the body (26) having a socket and a plurality of circumferentially spaced apart slots (26) that communicate with the socket;
- b) a shaft (16) that extends continuously through the bore (30) and having respective first and second end portions communicating with the body end portions, the shaft (16) being partially externally threaded (50) and rotatable relative to the body (12);
- c) a plurality of locking members (66) that each vary in thickness, the locking members are attached to the shaft at the first end portion of the body, the locking members being attached to the first end portion of the shaft; wherein the plate and the locking members (66) being attached to the first end portion of the body (26),
- d) the locking members (66) being movable between extended and retracted positions responsive to a rotation of the shaft (Figs. 3A-B), and the plate, the locking members extending radially beyond the outer surface of the body in the extended position (Fig. 3A) and being contained within the body at the socket in the retracted position (Fig. 3B);
- e) a nut (14) that is connectable to the second end portion of the body (12) at the partially threaded portion (30).
- f) a plate (26) attached to the shaft (58), the locking members (66) being mounted on the plate (26); and
- g) wherein the shaft (16) extends continuously from the plate (26) to the nut (14), enabling load transfer between the plate (26) and the nut (14) via the shaft (16).

Re: Claim 16, wherein the shaft (16) has a first threaded portion (58) that connects with the plate (26) and a second threaded portion (50) that engages the body (12).

As for Claim 17, Kalen clearly shows (Fig. 5) of a device comprising:

- a) an elongated body (12) having first and second end portions and a central, longitudinal bore (30) that is at least partially threaded, the first end portion of the body (26) having a socket and a plurality of circumferentially spaced apart slots (26) that communicate with the socket;
- b) a continuous shaft (16) that extends continuously through the bore (30) and having respective first and second end portions communicating with the body end portions, the shaft (16) being partially externally threaded (50) and rotatable relative to the body (12);
- c) a plate (26, the flat level that 66 rests on in Fig. 5 can be considered a plate) that carries a plurality of locking members (66), the plate attached to the shaft (16) next to the first end portion of the body (12), the locking member (66) being attached to the first end portion of the shaft (16);
- d) the locking members (66) being movable between extended and retracted positions responsive to a rotation of the shaft (Figs. 3A-B) and the plate (26), the locking members extending radially beyond the outer surface of the body in the extended position (Fig. 3A) and being contained within the body at the socket in the retracted position (Fig. 3B);
- e) a nut (14) that is connectable to the body (12) at the partially threaded portion (30).

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f) wherein the shaft (16) extends continuously from the plate (26) to the nut (14), enabling load transfer between the plate (26) and the nut via the shaft (16) (as viewed in Fig. 3B).

Re: Claim 19, wherein the shaft (16) moves linearly relative to the central longitudinal axis of the body (12) when the shaft (16) is rotated.

As for Claim 20, Kalen clearly shows (Fig. 5) of a device comprising:

a) an elongated body (12) having first and second end portions and a central, longitudinal bore (30) that is at least partially threaded, the first end portion of the body (26) having a socket and a plurality of circumferentially spaced apart slots (26) that communicate with the socket;

b) a shaft (16) that extends continuously through the bore (30) and having respective first and second end portions communicating with the body end portions, the shaft (16) being partially externally threaded (50) and rotatable relative to the body (12);

c) a plate (26, the flat level that 66 rests on in Fig. 5 can be considered a plate) and a plurality of locking members (66) that are attached to the shaft at the first end portion of the body;

d) the locking members (66) being movable between extended and retracted positions responsive to a rotation of the shaft (Figs. 3A-B), and the plate, the locking members extending radially beyond the outer surface of the body in the extended position (Fig. 3A) and being contained within the body at the socket in the retracted position (Fig. 3B);

e) a nut (14) that is connectable to the second end portion of the body (12) at the partially threaded portion (30).

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f) wherein the shaft (16) extends continuously from the plate (26) to the nut (14), enabling load transfer between the plate (26) and the nut (14) via the shaft (16).

Claim Rejections - 35 USC § 103

[7] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[8] Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalen, US- 4,693,389.

a. In claims 2 and 12, Kalen shows and discloses two locking members 66, but lacks explicit disclosure that there are at least three locking members. It has been held, however, that duplicating the components of a prior art device is obvious within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include more than two locking members so as to provide, for example, greater circumferential stability to the fastener via three or more locking members.

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Conclusion

[9] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited further to show the state of the art with respect to this particular type of fastening device; as well as their extreme relevance to the current application as many read extensively onto the claimed invention: please see submitted notice of reference cited.

[10] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached at (571) 272-7075. **Please also note the change in the fax phone number to (571) 273-8300 for the organization where this application or proceeding is assigned.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,
David Reese
Assistant Examiner
Art Unit 3677

DCR

ROBERT J. SANDY
PRIMARY EXAMINER